IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

TESTAMENTARY SUIT NO.66 of 2003

IN

TESTAMENTARY PETITION NO. 493 OF 2003

Mr. Hasmukh M. Kapasi ... Petitioner.

Vs.

Mrs. Jyoti Sudhir Merchant & Anr Defendants.

Ms. Madhavi Diwan with J.C. Shah & Shefali Desai and Kiran Doiphode i/b. Shah & Sanghavi for the Plaintiff / Petitioner.

Mr. Bharat Raghani i/b. Haridas & Co. for the Defendant No. 1

Mr. Bharati Nachania i/b. V. Juris for Defendant NO.2.

CORAM : S.K. SHAH, J.

DATE : October 8, 2004.

P.C. :-

1. Parties are present with their Counsel. They have filed consent terms. Taken on record and marked 'Y' for identification. By these consent terms, the Respondent Nos. 1 and 2 have withdrawn their Caveat objecting to the grant of the Probate, unconditionally. In view of this the Caveats stand disposed of and the Suit is converted back into petition.

2. The Petition is, therefore, allowed. Probate be granted to the Petitioner in respect of the last Will and testament, dated 15.2.2001 of the deceased Gautam Jagjivan Doshi @ G. J. Doshi @ Gautam Doshi.

3. In view of these fresh consent terms, now marked as 'Y' for identification, the earlier consent terms marked 'X' for identification does not survive.

4. In view of the disposal of the Petition all the pending motions stand disposed of.

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[S.K.Shah, J.]